

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

V.

JONATHAN ADAM VAN PELT,
Defendant,

and

QUALITY AMERICAN RENTALS FOR U
LLC,

Defendant.

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CASE NO. 4:23-CV-04482

COMPLAINT TO FORECLOSE LIEN AND APPOINT RECEIVER

The United States of America, pursuant to 28 U.S.C. §§ 2001-2002, 26 U.S.C. § 7403, and 18 U.S.C. §§ 3613 and 3664, seeks to foreclose its federal lien as follows:

JURISDICTION

1. This Court has jurisdiction pursuant to 18 U.S.C. § 3613(a) and 28 U.S.C. § 1345 because the United States brings this action to enforce the criminal restitution judgment entered against Jonathan Adam Van Pelt in *United States v. Jonathan Adam Van Pelt*, No. 4:18-CR-464 (S.D. Tex.). Under 18 U.S.C. § 3613(a), the United States may enforce a criminal judgment according to the practices and procedures for enforcing civil judgments under federal or state law. Further, “an order of restitution...is a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986.” 18 U.S.C. § 3613(c).

PARTIES

2. Plaintiff is the United States of America.

3. The Defendants are Jonathan Adam Van Pelt and Quality American Rentals for U, LLC. On information and belief, Mr. Van Pelt's address is 17017 Steinhagen Road, Cypress, Texas 77429 (the "Subject Property"). Per information filed with the Texas Secretary of State, Quality American Rentals for U LLC has a registered office street address of 8403 Kirby Drive, Houston, Texas 77054.

VENUE

4. Venue is proper in this district because this court sentenced Jonathan Adam Van Pelt and ordered him to pay restitution to his victim in this district, and the real property subject to foreclosure is in Cypress, Texas, within the Southern District of Texas. See 28 U.S.C. § 1391; **Exhibit A** (Judgment).

FACTS

5. On August 14, 2018, Defendant Van Pelt was named in a single-count Information. See **Exhibit B** (Information). On November 8, 2018, a Waiver of an Indictment was signed by the Defendant. See **Exhibit C** (Waiver of an Indictment).

6. On November 8, 2018, Defendant Van Pelt pled guilty to Count 1 of the Information, willful failure to truthfully account for and to pay over employment taxes, in violation of Title 26, United States Code, Section 7202. See **Exhibit D** (Plea Agreement). In relevant part, Defendant Van Pelt agreed to "make a full and complete disclosure of all assets over which he exercises direct or indirect control, or in which he has any financial interest" and "to assist fully in the collection of restitution and fines, including...surrendering title, executing a warranty deed..." **Exhibit D**, ¶¶ 15-17.

7. On March 13, 2019, Defendant Van Pelt was sentenced to 30 months in prison,

supervised release for a term of 3 years and ordered to pay a \$100 assessment and \$20,398,629.05 in restitution to the Internal Revenue Service. *See Exhibit A.*

8. Pursuant to 18 U.S.C. § 3613(c), upon sentencing, a federal tax-type lien arose against all property rights belonging to Defendant Van Pelt. On April 12, 2019, the United States perfected its lien by recording notice of it in the Official Public Records of Harris County, Texas, as Document Number RP-2019-148097. A true and accurate copy of the notice of lien is attached hereto as **Exhibit E** (Lien). Additionally, the United States filed a nominee lien against Quality American Rentals for U, LLC, which was perfected by recording notice on December 5, 2019, as Document Number RP-2019-537976 in the Official Public Records of Harris County, Texas. *See Exhibit F* (Nominee Lien).

9. The United States has made demand on Defendant Van Pelt for payment of the restitution. As of November 2, 2023, Defendant Van Pelt has an outstanding restitution balance of **\$19,414,610.57** (not including interest).

10. Per the attached General Warranty Deed dated September 24, 2014, in the Official Public Records of Harris County, Texas as Document Number 20140432382 (**Exhibit G**), Quality American Rentals for U, LLC owns the following non-exempt Subject Property, with the address of 17017 Steinhagen Road, Cypress, Texas 77429. The total market value for the Subject Property, according to the Harris County Appraisal District, is **\$1,741,011**. The full legal description of the Subject Property is described below:

A tract or parcel of land containing 4.222 acre (183,908 square feet) out of the M.H. Bundick Survey, Abstract No. 111, Harris County, Texas, being all of the called 3.0153 acre tract conveyed to Rocky E. Cooper and wife, Carolyn D. Cooper, as recorded under Clerk's File No. X608930 of the Official Public Records of Harris County (O.P.R.H.C.), and all of the called 1.2096 acre tract conveyed to Rocky E. Cooper and wife, Carolyn D. Cooper, as recorded under Clerk's File No. X865243 of the O.P.R.H.C.



11. Quality American Rentals for U, LLC purportedly acquired the Subject Property from Frank Saputo, a former employee of Defendant Van Pelt. *See Exhibit G.* However, for the reasons stated below, the United States believes that the company is a nominee for Defendant Van Pelt, and that Defendant Van Pelt is the true owner of the Subject Property.


12. The United States seeks to foreclose its (nominee) lien and sell the Subject Property, free and clear of all liens and encumbrances, so that the net proceeds can be applied to the restitution debt of Defendant Van Pelt.

CLAIM 1 – JUDICIAL LIEN FORECLOSURE


13. The United States incorporates Paragraphs 1 – 12 as if fully set forth here.

14. The United States believes that Defendant Van Pelt is the true owner of the Subject Property. Defendant Van Pelt has resided at the Subject Property since its acquisition by Quality American Rentals for U, LLC in 2014. Per the Harris County Appraisal District's public website, the mailing address for the company is the Subject Property. However, the mailing address (3412 Drysdale Parkway) for the company provided to the Texas Secretary of State is a

residence owned by the seller of the property to Quality American Rentals for U, Frank Saputo, per the Collin County Central Appraisal District's public website. The registered address for the company provided to the Texas Secretary of State appears to be NRG Stadium, per the Google Maps public website. Per Texas Secretary of State and Texas Comptroller public records, Quality American Rentals for U has not operated in the State of Texas since (at least) 2019.



As of : 09/06/2023 12:40:04

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State
[Obtain a certification](#) for filings with the Secretary of State.

QUALITY AMERICAN RENTALS FOR U LLC	
Texas Taxpayer Number	32055086527
Mailing Address	3412 DRYSDALE PKWY MCKINNEY, TX 75071-2728
 Right to Transact Business in Texas	FRANCHISE TAX INVOLUNTARILY ENDED Request tax clearance to reinstate entity.
State of Formation	TX
Effective SOS Registration Date	09/08/2014
Texas SOS File Number	0802059608
Registered Agent Name	MARGARITA FUENTES
Registered Office Street Address	8403 KIRBY DRIVE HOUSTON, TX 77054

Franchise Tax Details ×

Franchise Search Results
Public Information Report


Public Information Report
QUALITY AMERICAN RENTALS FOR U LLC
 Report Year :2019

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from open.records@cpa.texas.gov or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
MANAGER	PAUL ADAMS 3516 ESPACE CT. FLORISSANT, MO 63034

15. The United States' belief regarding Defendant Van Pelt's true ownership of the Subject Property is further supported by the records obtained via a subpoena to Capital One Auto in June 2023. Per the produced records, an excerpt of which appears below, Defendant Van Pelt represented on a credit application that he owns the Subject Property:

RouteOne® Credit Application: Applicant

Title (optional):	Last Name	First	Middle	Suffix	Date of Birth	Soc. Sec. #
	VANPELT	JONATHAN			05/05/1969	466-37-2719
Present Address Line 1					Time at Present Address	Driver's License # / State
17017 STEINHAGEN RD					8 years 0 months	
Present Address Line 2					City	State ZIP
					Cypress	HARRIS TX 77429-7165
Previous Address Line 1					Time at Previous Address	Present Address Urbanization Code
Previous Address Line 2					City	State ZIP
Home Phone		Cellular Phone				
(713) 302-1149						
Education						
No. of Dependents		Preferred Email				
Current Employment Title				Employment Status	Employment Type	
CNA				Full Time	Other	
Current Employer						
PVA						
Current Employer Address Line 1						
Current Employer Address Line 2						
Current Employer Phone Number		Business Ph. Ext.#	Time at Current Job		Business Email Address	
(936) 966-0661			0 years 4 months			
Previous Employer		Previous Occupation	Previous Employer Phone Number		Time at Previous Job	
Previous Employer Address Line 1						
Previous Employer Address Line 2						
<p>Alimony, child support, or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.</p>						
Gross Income	Income Received	Other Income Source	Other Income	Other Income Received	Monthly Support/Alimony Received	
\$2,500.00	Monthly					
Residence Type						
Owns home outright						
Landlord Name / Mortgage Co.			Landlord / Mortgage Phone Number		Monthly Rent / Mortgage Payment	
					\$0.00	
Bank Name					Bank Account Type Code	

Additionally, the United States issued a subpoena to Quality American Rentals for U, LLC, at both its registered agent address and mailing address (also known as the residence of Frank Saputo) requesting all records of the purported real property transaction in which the company acquired the property and/or Defendant Van Pelt's leasing agreement for the property. The United States did not receive a response from the registered agent of Quality American Rentals for U. Mr. Saputo indicated through counsel that he did not have any of the requested documents. Mr. Saputo had only owned the Subject Property for two weeks prior to conveying the Subject Property to the corporate entity. *See Exhibit H* (General Warranty Deed, Document Number 20140406770). Based on the totality of this information, the United States believes that Quality American Rentals for U is a nominee for Defendant Van Pelt, the true owner of the Subject Property.

16. Pursuant to 18 U.S.C. §§ 3613 and 3664, 26 U.S.C. § 7403(a), and 28

U.S.C. §§ 2001-02, the United States is entitled to foreclose its judgment lien against the Subject Property and obtain judicial decree of sale.

17. Pursuant to 18 U.S.C. §§ 3613 and 3664, 26 U.S.C. § 7403(a), and 28 U.S.C. §§ 2001-02, the United States is entitled to receive the net proceeds from the sale of the Subject Property up to the balance of its criminal restitution judgment against Defendant Van Pelt.

CLAIM 2 – RECEIVERSHIP

18. The United States incorporates Paragraphs 1 – 17 as if fully set forth here.

19. Pending the judicial foreclosure sale of the Subject Property, pursuant to 18 U.S.C. §§ 3613 and 3664, 26 U.S.C. § 7403(d), and 28 U.S.C. §§ 2001-02, the United States is entitled to the appointment of a receiver to manage and sell the property.

20. Counsel for the United States has identified a real estate attorney willing to accept appointment as receiver to take control and arrange for the sale of the Subject Property:

Rebecca M. Hafner
Rebecca M. Hafner Attorney at Law PC
8511 South Sam Houston Parkway East, Suite 100 Houston,
TX 77075

PRAYER FOR RELIEF

WHEREFORE, the United States requests this Court to:

21. Order the foreclosure of the United States' judgment (nominee) lien and order that Defendants' interest in the Subject Property be sold free and clear of all liens, claims, and encumbrances, and in accordance with the law and practices of this Court;

22. Appoint Rebecca M. Hafner as a receiver to take control and arrange for the sale of the Subject Property;

23. Order that the proceeds of the sale of the Subject Property be distributed in the following order:

- Costs, expenses, and fees incurred in connection with the sale;
- Any valid taxes or assessments on the property;
- Any prior recorded liens;
- The United States in satisfaction of the restitution judgment debt in *United States v. Jonathan Adam Van Pelt*, No. 4:18-cr-464 (S.D. Tex.).

24. Grant to the United States any other relief circumstances may require, as the Court deems just and proper.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

/s/ Anthony Franklyn
Anthony Franklyn
Assistant United States Attorney
SDTX: 3380634
1000 Louisiana, Suite 2300
Houston, Texas 77002
Phone: 713-567-9331
Fax: (713) 718-3405
Email: Anthony.Franklyn@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this November 29, 2023, a true and correct copy of the Complaint was mailed to the following:

Jonathan Van Pelt
17017 Steinhagen Road
Cypress, Texas 77429

Quality American Rentals for U LLC
17017 Steinhagen Road
Cypress, Texas 77429

8403 Kirby Drive
Houston, Texas 77054

3412 Drysdale Parkway
McKinney, Texas 75071

/s/ Anthony Franklyn
Assistant United States Attorney